

### **REMARKS**

Applicant respectfully requests reconsideration and allowance for the above-identified patent application. Claims 1, 2, 4, 6, 8-13, 15-20, 22, and 23 remain pending.

Initially, Applicant and Applicant's Attorney express appreciation to the Examiner and the Examiner's supervisor for the telephonic interview recently held on June 19, 2007. The foregoing amendments and following arguments are consistent with those presented and discussed during the interview.

Applicant also notes with appreciation the Examiner's withdrawal of the previous grounds of rejection.

The Office action objects to the specification as allegedly not conforming to 37 CFR 1.75(d)(1). More specifically, the Office action alleges that there is insufficient antecedent basis in the Applicant's specification for various terms. Although Applicant believes that such terms are apparent from the descriptive portion of the specification with clear disclosure as to their import, in the interest of expediting prosecution, Applicant has amended the specification as outlined above in order to address the Examiner's concerns. Accordingly, Applicant respectfully requests withdrawal of this ground of objection.

The Office action also rejected claims 1, 2, 4, 6, 13, 16, 17, 18, and 20 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. As discussed and generally agreed to during the Examiner interview, the sections of the specification discussed clearly have support for the amendments made especially in light of those amendments made to the specification described above. As such, Applicant respectfully submits that the claims as amended do not introduce new subject matter and comply with the written description requirement.

Next, the Office action rejects the independent claims under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,374,300 to Masters (*Masters*) in view of U.S. Patent No. 7,120,692 to Hesselink et al. (*Hesselink*). Applicant respectfully traverses this ground of rejection for at least the reason that *Hesselink* as applied does not qualify as prior art.

Applicant respectfully notes that the Office action relies on the teachings of *Hesselink* as allegedly disclosing the admitted deficiencies of *Masters*. More specifically, the Office action relies on *Hesselink* as allegedly disclosing or suggesting "wherein [an] HTTP-based 'request'

includes therein a request that the second processor transmits a reply after the expiration of the [] time period even if there are no messages to send to the first processor so that the first processor can assess a status of the connection thereto."

Applicant respectfully notes that the present application was filed on October 2, 2000 and claims priority to and the benefit of Provisional Application No. 60/196,297 filed on April 12, 2000. *Hesselink* on the other hand was filed on November 19, 2002 and claims priority to and the benefit of Provisional Application No. 60/331,642 filed November 20, 2001. Although *Hesselink* is a continuation-in-part of both U.S. Patent No. 6,732,158 filed June 29, 2000 and U.S. Patent No. 6,499,054 filed December 2, 1999, the cited section and Figure 8 of *Hesselink* relied on by the Office action as allegedly disclosing the above deficiencies of *Masters* are not disclosed within these documents. As such, the earliest possible date that such features might be disclosed is November 20, 2001, which does not antedate even Applicant's filing date of October 2, 2000; and therefore, *Hesselink* as applied does not qualify as prior art.

Based on at least the foregoing reasons, Applicant respectfully submits that the cited prior art fails to anticipate or otherwise make obvious Applicant's invention as claimed. Applicant notes for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable and Applicants reserve the right to do so.

All objections and rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any questions arise in conjunction with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at 1-801-533-9800.

DATED this 5<sup>th</sup> day of July, 2007.

Respectfully Submitted,

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